

1 LAW OFFICE OF NORMAN NEWHOUSE  
2 NORMAN NEWHOUSE, No. 104746  
3 483 Seaport Court, Suite 103  
Redwood City, CA 94063  
Telephone: (650) 365-8534  
Facsimile: (650) 365-1218

4  
5 Attorney for Plaintiff  
ALEXIS BAUSTA

6  
7 UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
8

9 ALEXIS BAUTISTA, an individual

10 Plaintiff,

11 v.

12 CITY AND COUNTY OF SAN  
FRANCISCO, SAN FRANCISCO  
POLICE DEPARTMENT, SAN  
FRANCISCO POLICE OFFICER  
WILLIAMS, SAN FRANCISCO  
POLICE SERGEANT ESPINOZA,  
SAN FRANCISCO POLICE  
OFFICER LUM, DOES  
13 THROUGH 20, Inclusive,  
Defendants.  
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16  
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} Case No.: CD7-5434CW

} NOTICE OF MOTION AND  
MOTION TO BE RELIEVED AS  
COUNSEL – CIVIL

} Hearing Date: April 23, 2008

} Time: 9:00 a.m.

} Place: Dept. 5

} Before: Claudia Wilkin

} Date Action Filed: Sept. 25, 2007

} Trial Date: April 13, 2009

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19 TO ALL COUNSEL AND THEIR PARTIES:

20 Please take notice that NORMAN NEWHOUSE moves under California Code of Civil  
21 Procedures Section 284(2) and California Rules of Court, Rule 3.1362 , for an order permitting  
22 the attorney to be relieved as attorney of record in this action or proceeding

23 A hearing on this motion to be relieved as counsel will be held as follows:

24 DATE: April 23, 2008; TIME: 9:00 a.m.; DEPT: 5; ROOM: 4<sup>th</sup> Floor.

25 This motion is supported by the accompanying Declaration of NORMAN NEWHOUSE.  
26 The client presently represented by the attorney is an individual.

27 Date: March 21, 2008

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NORMAN NEWHOUSE  
Attorney for Plaintiff, ALEXIS BAUSTA

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 7 UNITED STATES DISTRICT COURT  
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9 ALEXIS BAUTISTA, an individual

10 Plaintiff,

v.

11 CITY AND COUNTY OF SAN  
 12 FRANCISCO, SAN FRANCISCO  
 POLICE DEPARTMENT, SAN  
 FRANCISCO POLICE OFFICER  
 13 WILLIAMS, SAN FRANCISCO  
 POLICE SERGEANT ESPINOZA,  
 SAN FRANCISCO POLICE  
 14 OFFICER LUM, DOES  
 15 THROUGH 20, Inclusive,  
 Defendants.

) Case No.: CD7-5434CW

)  
 ) DECLARATION IN SUPPORT OF  
 ) ATTORNEY'S MOTION TO BE  
 ) RELIEVED AS COUNSEL -  
 ) CIVIL

)  
 ) Hearing Date: April 23, 2008

) Time: 9:00 a.m.

) Place: Dept. 5

) Before: Claudia Wilkin

)  
 ) Date Action Filed: Sept. 25, 2007

) Trial Date: April 13, 2009

19 I, Norman Newhouse, declare that I am Plaintiff Alexis Bautista's attorney in the above  
 20 captioned matter that I am personally competent to testify to the matter stated herein, and that:

21 I am making the motion to be relieved as counsel under California Code of Civil  
 22 Procedure Section 284(2) instead of filing a consent under Section 284 (1) for the following  
 23 reasons:

24 Client and attorney have reached an impasse in proceeding with the case and an inability  
 25 to communicate due to personal differences.

26 I have served the client by mail at the client's known address, and have confirmed in the  
 27 last 30 (thirty) days that the address is current by mail, by telephone, by conversation and by e-  
 28 mail.  
 ////

1           The next hearing in this action has not been set. The trial is set for April 13, 2009.  
2           I declare the forgoing is true and is executed at Redwood City, California.

3           Date: March 21, 2008  
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**NORMAN NEWHOUSE**  
6           Attorney for Plaintiff, ALEXIS BAUTISTA

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**Bautista v. City and County of San Francisco, et.al**

Northern Division C07 5434 CW

**PROOF OF SERVICE**(Business Practice to Entrust Deposit to Others)  
(C.C.P. Section 1013a(3))

I, Myriam Cader Sargent, declare:

I am employed in the County of San Mateo, California. I am over the age of 18 years, and not a party to the within action. My business address is 483 Seaport Court, Suite 103, Redwood City, California 94063.

On the date stated below, at my place of business at Redwood City, California, I caused to be served, in the manner indicated below, the within:

**NOTICE OF MOTION AND MOTION TO BE RELIEVED AS COUNSEL-CIVIL****DECLARATION IN SUPPORT OF ATTORNEY'S MOTION TO BE RELIEVED AS COUNSEL-CIVIL**

on the interested parties in said action by placing true copies thereof, enclosed in a sealed envelope, addressed as follows:

Scott Weiner, Esq.  
Assistant District Attorney  
Office of the District Attorney  
City and County of San Francisco  
850 Bryant St  
San Francisco, CA 94103  
Phone: 415-553-9044  
Fax: 415-553-1034Alexis Bautista  
1409 Saint Kitts Lane  
Foster City, CA 94404xxx (BY REGULAR MAIL) I caused such envelopes with postage thereon fully prepaid to be placed in the U.S. Mail at Redwood City, California.xxx (BY FACSIMILE) I served the foregoing documents by facsimile transmission to the number shown above for each interested party, pursuant to California Rules of Court Section 2003(3) and no notice of error was received.I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on **March 21, 2008** in the City of Redwood City, County of San Mateo, California. that the foregoing is true and correct.  
MYRIAM CADER SARGENT